

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Cañones Creek, Section 7

Subfile No. CHCC-001-0016

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and Defendants:

**DALE R. ELLIOTT
VIRGINIA V. ELLIOTT**

(“Defendants”) concerning the Defendants’ right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the State of New Mexico *ex rel.* State Engineer, the Defendants and the subject matter of this suit.
2. The State and the Defendants are in agreement concerning the Defendants’ right to divert and use the public waters of the Rio Chama Stream System, Cañones Creek, Section 7, and by their signatures appearing below, the State and the Defendants have approved and accepted the elements of Defendants’ water rights as set forth in paragraph 4 herein.

3. There is no just reason for delay for the entry of a final judgment as to elements of the claims of the Defendants adjudicated by this order.
4. The right of the Defendants to divert and use the public waters from the Rio Chama Stream System, Cañones Creek, Section 7, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s): NONE

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of Cañones Creek, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: DAGGET DITCH NO. 2

Location: X= 1,557,421 feet Y= 2,118,196 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Within the Tierra Amarilla Grant 3.9acres

Total 3.9 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No. CHCC-001-0016

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

B. NO RIGHT (Surface Water Irrigation Use Only):

Office of the State Engineer Files No(s): 0434, 0434-C and 0434-F

Priority: NONE

Source of Water: Surface water of Cañones Creek, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: DAGGET DITCH NO. 2

Location: X= 1,557,421 feet Y= 2,118,196 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Within the Tierra Amarilla Grant 2.8 acres

Total 2.8 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No. CHCC-001-0016

Amount of Water: NONE

5. The description of the surface water rights of the defendants in this order, and the “No Right” acreage in paragraph 4 above, shall have no effect on Defendants’ right to impound surface water in the pond located within the “No Right” acreage pursuant to the permit approved by the Office of State Engineer on April 13, 1998, under OSE Permit No. 0434-F.
6. Defendants have no surface water irrigation rights in the Rio Chama Stream System, Cañones Creek, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.
7. Defendants, his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Cañones Creek, Section 7, except in strict accordance with the water rights described herein.
8. The water rights described herein are adjudicated subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

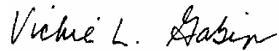
IT IS THEREFORE ORDERED that the rights of the Defendants to divert and use the waters of the Rio Chama Stream System, Cañones Creek, Section 7, are as set forth herein. The Defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Cañones Creek, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of the Defendants' water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER

ACCEPTED:


DALE R. ELLIOTT

ACCEPTED:


VIRGINIA V. ELLIOTT

ADDRESS:

2305 CALLE DESARROLLO NAL
ABQ, NM 87104

ADDRESS:

2305 CALLE DE SANCRONOW
ABQ NEW MEXICO 87104

DATE:

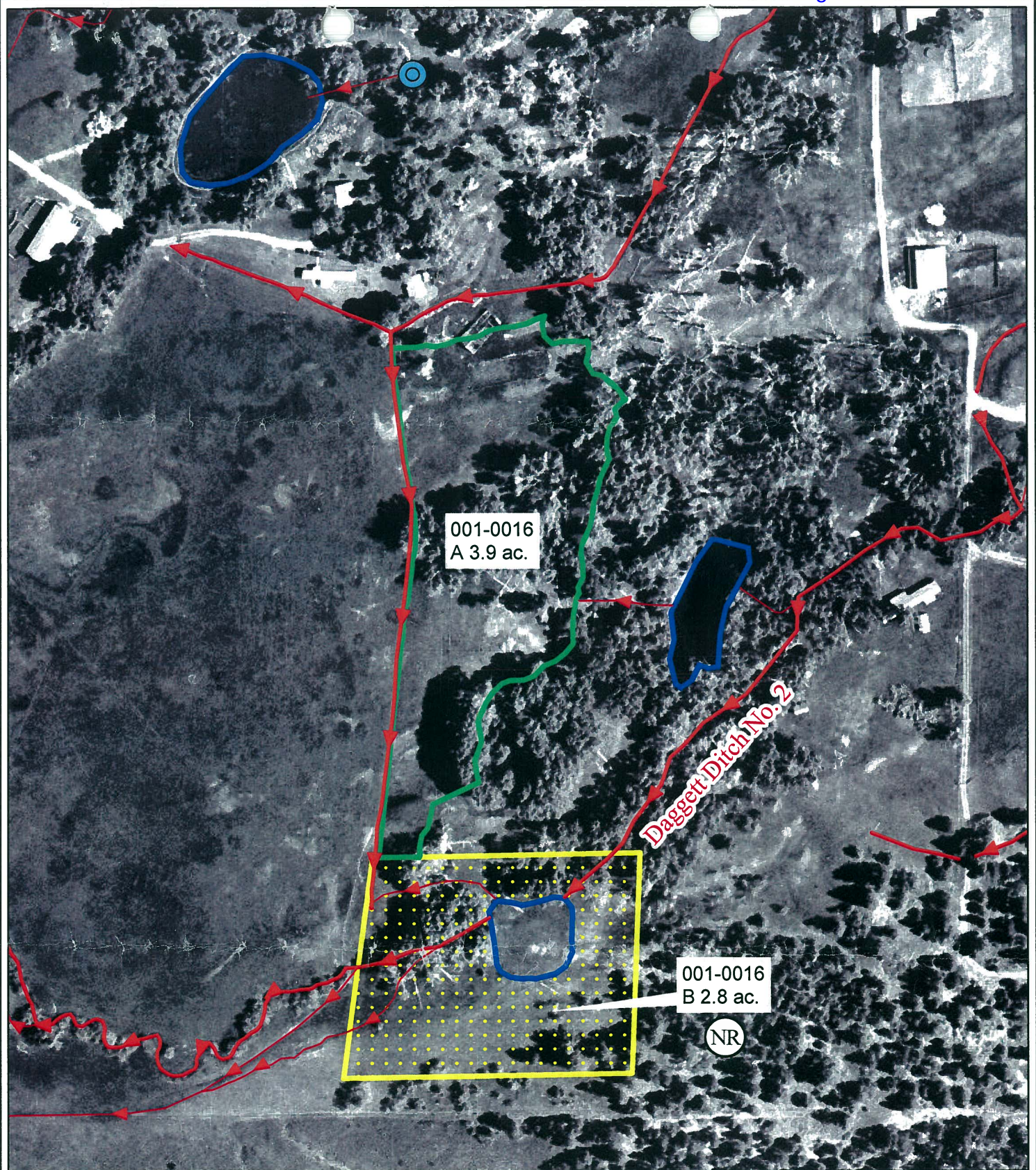
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DATE:

12-20-07

Ed Neville
EDWARD G. NEWVILLE
Special Assistant Attorney General

1/07/08
Date



LEGEND

- | | |
|----------------------------|--------------------|
| Irrigated Tract Boundary | Point of Diversion |
| No Right Tract Boundary | Fallow |
| Seeped Land | No Right |
| Operable Ditch / Lateral | |
| Inoperable Ditch / Lateral | |
| Reservoir / Stock Pond | |



1 inch = 200 feet
 0 50 100 200
 Feet

STATE OF NEW MEXICO
 Office of the State Engineer
 John R. D'Antonio, Jr., P.E.,
 State Engineer

Rio Chama Hydrographic Survey
 Canones Creek Section

Subfile Number
CHCC 001-0016
 Daggett Ditch No. 2
 AMENDED
 November 19, 2007

